

Confidential
Shaker Heights Police Department
Internal Affairs Unit
F-17-006
City of Shaker Heights
Statement of Patrolman Tyler Smith #32

August 10, 2017
0615 hours

The following is a statement taken on Thursday, August 10, 2017, at the Shaker Heights Police Department, made by Patrolman Tyler Smith #32, pertaining to an Internal Investigation. Present for this statement is Patrolman Tyler Smith #32 and John Cole, Commander of Police.

Q. Please state your name for the record.

A. Tyler Scott Smith.

Q. How long have you been employed by the Shaker Heights Police Department?

A. Since February 2, 2015.

Q. Do you have a cellular telephone?

A. Yes.

Q. What is that cellular telephone's number?

A. [REDACTED]

Q. Do you have a landline at your residence?

A. Yes.

Q. What is that landline's number?

A. I don't know it. I never use it. The only reason I have it is for the cable company.

Q. Have you changed your cellular telephone number at any time within the past two (2) years?

A. No I have not.

Q. Have you changed the landline within your residence at any time within the past two (2) years?

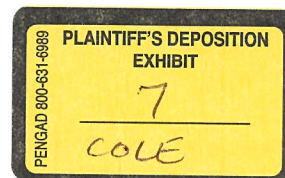
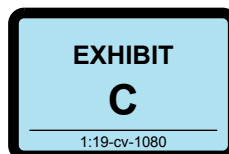
A. I have only had it for approximately a year and a half.

Q. What was your previous landline telephone number?

A. It was my grandparent's phone number. [REDACTED] I am unsure of the rest as they moved.

Q. Were you living at your grandparent's residence on July 20, 2016?

A. No.



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- Q. During the course of your employment have you been given instructions on when to operate the DMVARS, i.e. body camera and/or in car dash camera, equipment?
- A. Yes, I recently read that.
- Q. Please describe when you are required to activate the DMVARS equipment?
- A. On a traffic stop. When a normal conversation turns into a negative encounter, or you start to perceive it as becoming negative. On the way to a call and while on scene, until the conclusion of the call.
- Q. Do you know why have been called here today?
- A. Yes.
- Q. Why have you been called here?
- A. My Sergeant, Clementi, informed me that there was an allegation that I scared a female on June 10, 2017.
- Q. Did Sergeant Clementi tell you how you had scared the female?
- A. Yes.
- Q. What did he tell you?
- A. He stated that the female said I followed her home.
- Q. When did Sergeant Clementi tell you that?
- A. On the same date that the female came in to file the complaint.
- Q. Do you recall the name Celeste Rushin?
- A. I recall the name "Celeste" because I have a first cousin named Celeste in Texas, and that is an unusual name.
- Q. I am handing you an OHLEG photograph of Ms. Celeste Rushin. Do you recall who this woman is?
- A. Yes.
- Q. How do you know this woman?
- A. From the two (2) encounters that I had with her while on duty at work.
- Q. Have you ever encountered Ms. Rushin outside of work?
- A. No.

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- Q. The LEADS records reflect that on July 20, 2016 at approximately 0143 hours, you requested information on a Lexus bearing Ohio License plate GIS 1897. Do you recall requesting this information?
- A. Yes, I ran the plate by typing it into my MDC. I did not call out over the radio. I actually typed the plate in myself because my computer was up and running.
- Q. Do you recall why you requested this information?
- A. Yes.
- Q. Why did you request this information?
- A. The plate which was on the Lexus SUV had a violation with the rear plate illumination not lit.
- Q. Did you stop the Lexus?
- A. No.
- Q. What actions, if any, did you take in regards to addressing the observed violation on the Lexus?
- A. After obtaining the driving status of the owner, seeing that there was no invalid license or no warrants attached to the owner, seeing that the operator matched the description of the owner, and feeling that there was no threat, I pulled alongside the vehicle. At Warrensville Center northbound at Fairmount Boulevard eastbound, the Lexus' right front passenger window was rolled down. The Lexus was in the left hand curb lane and I was in the right hand curb lane. While waiting for the light to change from red to green I spoke to the operator and said, "Is this your car?" The operator replied, "Yes, it is." I asked her if she was aware that her rear license plate light was not lit and she stated, "No, what's that?" I stated, "It is just what it says, it's the light above your license plate." She replied, "I don't think my car has that." I replied, "Yes, it does. All cars have a rear license plate light." I said, "Do you have a minute, I can show you?" She said, "Yea, Yea, no problem." I then said, "Why don't we pull into the BP gas station right up here on the corner so we do not block the roadway." I then pulled up ahead, pulling into the gas station first. She then followed and pulled into the gas station as well. I then exited my vehicle and walked to the rear of my cruiser and said, "This is what I'm talking about right here. You can see how my plate is lit by the light right here." I was pointing to the light. The operator then got out of her car and walked to the rear of her car. I then walked to the rear of her car

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and pointed above her plate. Then I said, "Do you see the plastic cover right here? This is where the light is for your vehicle, under this piece." The operator then stated, "I had no idea I had that. I will have my dad look at it or fix it." I don't remember her exact words. I then said, "Also, if you didn't know you can go to an auto parts store, (I named a few), they are about \$5.00/bulb and most times they will even put it in for you if you ask." I then said, "What are you doing out so late?" The operator replied, "I am coming/going to/from babysitting." (I'm not sure exactly) I believe I then said, "Do you still live in Shaker?" She said, "Yes." I believe I then said something along the lines of be safe or take care. She then asked me if I had a card with me or on me. I replied, "No." I had run out. I then offered to give her my cell phone number if she had any questions because at the time I could not remember my work phone number extension or password. Then we both left.

- Q. Do you recall if Ms. Rushin was wearing anything unusual?
A. No.
- Q. If I were to tell you that Ms. Rushin was wearing pajamas, would that be correct?
A. I don't remember.
- Q. At any time during your encounter with Ms. Rushin on July 20, 2016, did you inquire about her relationship status?
A. No, not that I recall.
- Q. At any time during your encounter with Ms. Rushin on July 20, 2016, did she inquire about your relationship status?
A. No.
- Q. At any time during your encounter with Ms. Rushin on July 20, 2016, did you ask her for her cellular telephone number?
A. No, I did not.
- Q. At any time during your encounter with Ms. Rushin on July 20, 2016, did you ask her for any of her personal contact information?
A. No. However, I did ask her if she lived in Shaker still.
- Q. Was there anyone else in Ms. Rushin's Lexus that you recall?
A. No, I don't believe so.

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Q. At any time during your encounter with Ms. Rushin on July 20, 2016, did you inquire as to whether she had a boyfriend?

A. No.

Q. At any time during your encounter with Ms. Rushin on July 20, 2016, did she tell you she had a boyfriend?

A. No, there was no talk about a boyfriend on July 20, 2016.

Q. Did you tell Ms. Rushin you were in a relationship?

A. No.

Q. Since July 20, 2016, have you encountered Ms. Rushin while on duty?

A. Yes, approximately 1 year later. However, initially I did not know it was her.

Q. Please describe the circumstances of that encounter.

A. On June 10, 2017, while driving on Traynham at Lomond I stopped for the stop sign. There was another vehicle to my right, which would be east of me. A black Mazda SUV which stopped at the stop sign at approximately the same time as I had arrived, the operator motioned to me with their hands to go ahead. I stayed stopped and then motioned for that driver to go ahead. The operator did not go, and we each stayed stopped for about 15 seconds. My training and experience led to believe that the operator may have been attempting to avoid me from obtaining a position to obtain plate information about the vehicle. A lot of people have done that when they have a warrant, suspended license or, expired plates, etc. The vehicle did eventually go and proceeded west on Lomond from that location. I did not pull off right away because another vehicle from my left was approaching. I then proceeded to catch up to the suspicious vehicle, i.e. black Mazda SUV. After catching up to the vehicle, I ran the license plate on my MDC to make sure that the owner was valid. The plate information did not return right away. I followed the vehicle and the vehicle turned left on either Gridley or Latimore. The vehicle then stopped on the wrong side of the street and I activated my air horn, believing that the driver was parking illegally. The vehicle did not move and put on their left turn signal. At this time the plate information returned and I read the status of the owner and saw that the owner lived on whatever street we were on. I then proceeded to pull alongside the vehicle. While I was proceeding around the vehicle, the driver started moving to turn left into a driveway. I then hit my regular horn to avoid a collision. The vehicle stopped. Once alongside the vehicle, I said, "Oh, you're cool. I didn't realize

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that you lived here." Then I said to the driver, "Hey, I think I remember you. Then the driver said, "I don't think we ever met." I said, "Yes, I believe so, I believe about a year and a half, maybe 2 years ago at the BP on Fairmount Circle." The driver said, "I don't think so." I then asked the driver, "Did you used to drive a gold Lexus." She replied, "Yes." I then said, "Did you use to babysit and/or be a babysitter?" She said, "Yes, how did you know?" I said, "Because, we met at the gas station and had a conversation on the license plate light on the other vehicle you were driving." I said, "I even gave you my phone number, and said to call me if you had any questions." I believe she replied, "Well, I might have remembered that happening, but I was talking to someone at the time who ended up becoming my boyfriend and that is why I never called." I then replied, "No, I wasn't meaning it like that. I did not mean it like that." I believe I then said something along the lines of take care, and/or have a good day." She replied, "You too." I then drove away and then I saw her turn into the driveway in my rear view mirror.

- Q. Why did you not activate your DMVARS equipment when you were obtaining information on the license plate if you believed the driver was acting suspiciously?
- A. I have never done that because if I was going to pull the vehicle over, the lights would have activated which automatically goes back one minute prior. I had not decided if I going to make a traffic stop at that time.
- Q. When you activate your air horn, does your DMVARS equipment activate?
- A. No.
- Q. Had you tested your DMVARS equipment prior to going on the road on July 20, 2016?
- A. Yes, at the start of the shift.
- Q. Had you tested your DMVARS equipment prior to going on the road on June 20, 2017?
- A. Yes, at the start of the shift.
- Q. Why did you not activate your DMVARS equipment when the driver parked on the wrong side of the street?
- A. I forgot to. It wasn't a traffic stop. I very rarely manually turn on the DMVARS equipment as it comes on automatically during a traffic stop. In addition, the information came back as valid, and I then knew it was a resident who lived on the street we were on.

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- Q. Why did you pull alongside of the vehicle placing yourself in a position to be struck if you believed the driver was going to be pulling into the driveway?
A. The vehicle did not start moving until I was almost alongside the vehicle.
- Q. You stated, that you told the driver that it, "Wasn't like that," when she told you about her boyfriend." What did you mean?
A. I felt that she implied the reason for me giving my phone number to her on the first encounter a year ago was because I wanted to date her and those were NOT my intentions.
- Q. At any time during your encounter with Ms. Rushin on June 10, 2017, did you inquire about Ms. Rushin's relationship status?
A. No. She mentioned her relationship status.
- Q. At any time during your encounter with Ms. Rushin on June 10, 2017, did you inquire as to whether Ms. Rushin had a boyfriend?
A. No.
- Q. At any time during your encounter with Ms. Rushin on June 10, 2017, did you state, "Good luck with your boyfriend," to Ms. Rushin?
A. No.
- Q. At any time during your encounter on June 10, 2017 did you provide Ms. Rushin your contact information?
A. No.
- Q. When you got out of your vehicle on July 20, 2016, why did you not activate your body camera?
A. Because it was not a traffic stop and the conversation did not turn negative.
- Q. When Ms. Rushin got out of her vehicle on July 20, 2016, why did you not activate your body camera?
A. Because it was not a traffic stop and the conversation did not turn negative.
- Q. On either of your encounters with Ms. Rushin, did you provide her with your first name?
A. Yes.

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- Q. On either of your encounters with Ms. Rushin, did you provide her with your age?
A. No.
- Q. How would Ms. Rushin have known your age?
A. She may have asked, and I may have told her, but I don't recall.
- Q. At any time have you requested any member of the Shaker Heights police department to obtain any information on Ms. Rushin?
A. No.
- Q. What did you do in preparation for this interview?
A. I brought with me a map to familiarize myself with what street(s) on was on and I printed out two (2) images that showed different views and different perspectives on the same thing.
- Q. Have you ever called Ms. Rushin?
A. No I have not.
- Q. Has Ms. Rushin ever called you?
A. No, she has not.
- Q. Have you ever looked up Ms. Rushin through Social media means?
A. No, I have not.
- Q. Looking back now, during the encounter on July 20, 2016, did Ms. Rushin say anything that would lead you to believe that she was interested romantically in you?
A. Yes, possibly because she stated that I stated, "Good luck with your boyfriend."
- Q. Is there anything else that you would like to add?
A. The other day, approximately 2 weeks ago, at Sunoco at Lee and Lomond, I saw a guy with no front plate on his car. I mentioned to the guy, "Do you know you have to have a front plate on your car?" He stated, "I did not know it was an actual law or if it was optional. I stated, "Here, let me show you something right quick." I then showed him the ORC/Municipal Ordinance, "Display of Plates" section where it states that you must have affixed to the exterior of both the front and rear of a motor vehicle a front and rear license plate; with the exception of a motorcycle. He then threw both his arms in the

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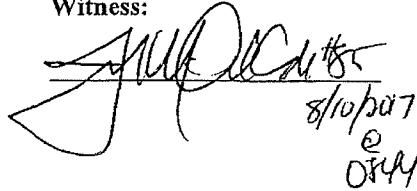
air and I stated, "What's that for?" He replied, "This is the first time I had an encounter with a police officer where I did not get a ticket and it was not negative." He then stated, "You could have given me a ticket, but instead you talked to me like I was a human being." The guy then went on and started asking me questions about becoming a police officer. I told him that you have to go to the police academy and he asked me what that consists of while there. I asked him how serious he was about being a police officer. He stated, "I want to be a police officer or go into mortuary science." I then gave him my personal cell phone number and told him to call me and I would help him set up a ride along.

Q. Did you activate you DMVARS equipment prior to the encounter with this male?

A. No, I did not.

Q. Have you read this statement and is it true? YES

Witness:


8/10/2017
@
0844

Signature: Tyler Smith

Date: 8/10/2017

Time: 8:41 AM